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November 21, 2019
MEMO ENDORSED

The Application is granted.

SO ORDERED:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.

Dated: Nov. 21, 2019

Hon. Paul G. Gardephe U.S.D.J.
Thurgood Marshall Courthouse
United States Courthouse
40 Foley Square
New York, NY 10007

Re: **United States v. Mirzoyzan**
10-cr-895-2
Time Sensitive

Dear Judge Gardephe:

I am the attorney for Davit Mirzoyan, over whose case this Court presided. Mr. Mirzoyan's case is now before this Court for resentencing upon remand from the United States Court of Appeals for the Second Circuit. The case is calendared for **November 27, 2019**. I am writing this letter to request that this Court waive my client's appearance for resentencing.

Mr. Mirzoyan does not wish to be present at resentencing. On a number of occasions, he has represented this to me orally. I have also received from Mr. Mirzoyan a signed document, which I will present to this Court, in which he states that he has voluntary chosen to not be present and that he would like me to represent his interests during the resentencing proceedings.

Both orally and in writing, Mr. Mirzoyan has explained the reasons that he does not wish to appear. The first reason is that he is most interested in continuing, without interruption, the programs in which he participates in prison. The second reason is that he is incarcerated in California and does not wish to undergo transport between that state and New York.

I represented Mr. Mirzoyan during the proceedings in the Second Circuit and those upon remand. I have explained to my client the rights that he possesses with respect to his appearance during the upcoming proceedings. I am certain that Mr. Mirzoyan's desire to waive his appearance is knowingly and voluntarily made.

I have spoken with AUSA Daniel Nessim about Mr. Mirzoyan's request that this Court waive his appearance for the resentencing proceedings. Assistant United States Attorney Nessim has no objection.

I thank this Court for its attention to this matter.

Sincerely,

/s/ _____
JANE S. MEYERS

C: Parties (via ECF)
Judge Gardephe (courtesy copy via FAX)